



PATENT
Customer No. 22,852
Attorney Docket No. 06759.0008-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Sharat SINGH et al.)	
)	
Application No.: 10/730,139)	Group Art Unit: 1641
)	
Filed: December 9, 2003)	Examiner: M. Ceperley
)	
For: METAL CHELATE CONTAINING)	
COMPOSITIONS FOR USE IN)	
CHEMILUMINESCENT ASSAYS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Petitioner ("Assignee") Dade Behring Marburg GmbH, duly organized under the laws of Germany and having its principal place of business at Emil von Behring Strasse 76, Postfach 1140, D35001 Marburg, Germany, represents that it is the Assignee of the entire right, title, and interest both in and to the above-identified U.S. application Serial No. 10/730,139, filed December 9, 2003, for METAL CHELATE CONTAINING COMPOSITIONS FOR USE IN CHEMILUMINESCENT ASSAYS in the name of Sharat SINGH et al., as indicated by the assignments duly recorded in the United States Patent and Trademark Office on March 7, 1994, at Reel 6878, Frame 0722 (attached) and April

22, 1996 at Reel 7907, Frame 0481 (attached). Assignee further represents that, to the best of Assignee's knowledge and belief, title to the above-identified application and to U.S. Patent No. 6,180,354 is in the Assignee, which is submitting this Terminal Disclaimer.


Assignee hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application Serial No. 10/730,139, which would extend beyond the expiration date of U.S. Patent 6,180,354, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,180,354, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 10/730,139 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,180,354, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made of my own knowledge and belief are true, and that all statements made on information and belief are believed to be true, and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements might jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Dade Behring Marburg GmbH
Dade Behring, Inc.
P.O. Box 6101
Newark DE 19714

Date: Nov. 29, 2004

By: Cynthia G. Tymeson
Cynthia G. Tymeson
Reg. No. 34,745
Corporate Counsel
Dade Behring, Inc.

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27310 CIP

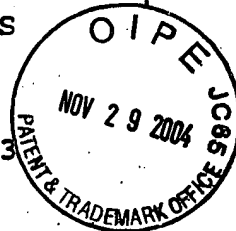
JUL 25 1996



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 16, 1996

PTAS



100183743A

BEHRING DIAGNOSTICS INC.
THEODORE J. LEITEREG
PATENT LAW DEPARTMENT M/S S2-201
3403 YERBA BUENA ROAD/PO BOX 49013
SAN JOSE, CALIFORNIA 95161

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

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RECORDATION DATE: 04/22/1996

REEL/FRAME: 7907/0481
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SYNTEX (U.S.A.) INC.

DOC DATE: 04/16/1996

ASSIGNEE:
BEHRINGWERKE AG
EMIL VON BEHRING STRASSE 76, POSTFACH 1140
D35001 MARBURG, FED REP GERMANY

SERIAL NUMBER: 08156181
PATENT NUMBER:

FILING DATE: 11/22/1993
ISSUE DATE:

JACQUELINE MOORE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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04-30-1996

U.S. Department of Commerce
Patent and Trademark Office

APR 22 1996



100183743

HEET

Documents or copy thereof.

to the Honorable Commissioner of Patents and Trademarks

1. Name and address of conveying party(ies):

SYNTEX (U.S.A.) INC.

3401 HILLVIEW AVENUE
PALO ALTO, CALIFORNIA 94304

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ ASSIGNMENT

Execution Date of Assignment: APRIL 16, 1996

2. Name and address of receiving party(ies):

BEHRINGWERKE AG

EMIL VON BEHRING STRASSE 76
POSTFACH 1140
D35001 MARBURG
GERMANY

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

Attorney Docket No. 27310 CIP

If this document is being filed together with a new application, the execution date of the application is _____

A. Patent Application No.(s)

S.N. 08/156,181

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: THEODORE J. LEITEREG

Address: BEHRING DIAGNOSTICS INC.
PATENT LAW DEPARTMENT M/S S2-201
3403 YERBA BUENA ROAD/ PO BOX 49013
SAN JOSE, CALIFORNIA 95161

6. Total number of applications and patents involved:

ONE

7. Total fee (37 CFR 3.41)..... \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit Account Number:

02-1755

DO NOT USE THIS SPACE

WT04322 04/25/96 08156181

02-1755 040 581

40.00CH

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

THEODORE J. LEITEREG, REG. NO. 28,319

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 13

Case No. 27310 CIP
Serial No. 08/156,181

ASSIGNMENT

Syntex (U.S.A.) Inc. is a Delaware corporation, having an address at 3401 Hillview Avenue, Palo Alto, California 94304 ("Syntex"). Behringwerke AG is a corporation organized and existing under the laws of Germany, having a principal place of business at Emil von Behring Strasse 76, Postfach 1140, D35001 Marburg, Germany ("Behringwerke").

By virtue of an assignment recorded in the United States Patent and Trademark Office on March 7, 1994, at Reel 6878, Frame 0722, Syntex is the owner of

U.S. Patent Application Serial No. 08/156,181, filed November 22, 1993, entitled "Metal Chelate Containing Compositions For Use In Chemiluminescent Assays," and

U.S. Patent Application Serial No. 08/488,228, filed June 7, 1995, a divisional of Serial No. 08/156,181; and

U.S. Patent Application Serial No. 08/480,430, filed June 6, 1995, a divisional of Serial No. 08/156,181, and

U.S. Patent Application Serial No. 08/471,131, filed June 6, 1995, a divisional of Serial No. 08/156,181, and

any continuations, continuations-in-part, reissues, reexaminations, substitute applications and foreign applications and patents based thereon and any extensions or supplementary protection certificates therefor (all of which are referred to herein collectively as the "Application").

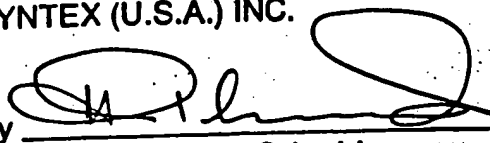
For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Syntex hereby assigns to Behringwerke and its successors, assigns and legal representatives, all of Syntex's right, title and interest, including all rights under the Paris Convention for the Protection of Industrial Property, in and to the Application, including the right to file patent applications based on or corresponding to pending applications, and including any patents maturing therefrom, and including all rights to sue and recover for past and future infringements of such patents, to be held and enjoyed by Behringwerke for its own use and benefit, and for the use and benefit of its successors, assigns and legal representatives, to the full end of the term for which said patents may be

granted as fully and entirely as the same would have been held by Syntex had this assignment and sale not been made. This assignment is effective as of June 30, 1995.

In witness hereof, Syntex, by Hans Schmid, its Vice President, being duly authorized, has caused this assignment to be executed this 16th day of April, 1996.

SYNTEX (U.S.A.) INC.

By



Hans Schmid
Vice President

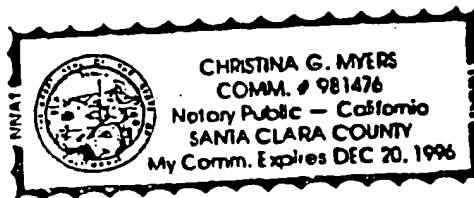
STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On this 16th day of April, 1996, before me, Christina G. Myers
personally appeared Hans Schmid, personally known to me or proved to me on
the basis of satisfactory evidence to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity,
and that by his signature on the instrument the person, or the entity upon behalf of which
the person acted, executed the instrument.

WITNESS my hand and official seal.



Signature of Notary



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TJL

Case 27310 CIP01

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 03/23/94
TO:

N08B

THEODORE J. LEITEREG
PATENT LAW AND LICENSING DEPARTMENT
MAILSTOP A2-200
P.O. BOX 10850 - 3401 HILLVIEW AVENUE
PALO ALTO, CALIFORNIA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE
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ASSIGNOR:
SINGH, SHARAT

DOC DATE: 01/24/94

ASSIGNOR:
ULLMAN, EDWIN F.

DOC DATE: 01/24/94

RECORDATION DATE: 03/07/94 NUMBER OF PAGES 003 REEL/FRAME 6878/0722

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
SYNTEX (U.S.A.) INC.
PATENT LAW AND LICENSING DEPARTMENT
MAILSTOP A2-200
3401 HILLVIEW AVENUE
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER	8-156181	FILING DATE	11/22/93
PATENT NUMBER		ISSUE DATE	00/00/00

EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

RECORDATION FORM COVER SHEET
PATENTS ONLY

the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

Name of conveying party(ies):

1. Sharat Singh
2. Edwin F. Ullman
- 3.
- 4.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Nature of conveyance:

☒ ASSIGNMENTExecution Date: 24-JAN-1994

2. Name and address of receiving party(ies):

Name: SYNTEX (U.S.A.) INC.

Internal Address: Patent Law and Licensing Department
Mailstop A2-200Street Address: 3401 Hillview AvenueCity: Palo Alto State: CA ZIP: 94304Additional name(s) & address(es) attached? ☐ Yes ☒ No

Application number(s) or patent number(s):

Attorney Docket No. 27310 CIP

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

S.N. 08/156,181

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

3. Name and address of party to whom correspondence concerning document should be mailed:

Name: Theodore J. Leitereg

Internal Address: Patent Law and Licensing Department
Mailstop A2-200Street Address: P. O. Box 10850, 3401 Hillview AvenueCity: Palo Alto State: CA Zip: 94303

6. Total number of applications and patents involved:

ONE7. Total fee (37 CFR 3.41)..... \$ 40.00☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit Account Number:

19-543091772614

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Theodore J. Leitereg
Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 13

ASSIGNMENT

WHEREAS, WE, Sharat Singh and Edwin F. Ullman, having the respective addresses indicated below, have invented certain subject matter entitled **"METAL CHELATE CONTAINING COMPOSITIONS FOR USE IN CHEMILUMINESCENT ASSAYS"** (the "Invention"), for which we have executed application Case No. 27310 CIP for Letters Patent of the United States of America on January 24, 1994;

AND WHEREAS, SYNTEX (U.S.A.) INC., a corporation of Delaware, having an address at 3401 Hillview Avenue, P.O. Box 10850, Palo Alto, California 94303, desires to perfect its right to the Invention and in the Letters Patent to be obtained therefor from the United States of America and all countries foreign thereto;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, Sharat Singh and Edwin F. Ullman, acknowledge SYNTEX's interest in the Invention and hereby assign to SYNTEX for the United States of America and all countries foreign, all our rights, title and interest, including all rights under the Paris Convention for the Protection of Industrial Property, in the Invention, as described and claimed in application Case No. 27310 CIP, or in any continuation, division, reissue, reexamination or extension thereof and any legal equivalent thereof in a country foreign to the United States of America; the Invention, application and Letters Patent to be owned by SYNTEX, its successors, assigns and legal representatives, to the full end of the term for which such Letters Patent may be granted.

This assignment is effective as of the earlier of the date of execution of this document or the filing date accorded by the United States Patent and Trademark Office to application Case No. 27310 CIP, as indicated in the Filing Receipt for said application.

I have read and understand this Assignment document for application Case No. 27310 CIP and agree hereto, as indicated by my signature as set forth below.

Sharat Singh Jan 24, 1994
 Sharat Singh Date

San Jose, California
 Address

Edwin F. Ullman Jan 24, 1994
 Edwin F. Ullman Date

Atherton, California
 Address

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
 County of SANTA CLARA

On January 24, 1994 before me, Virginia C. Palladino Notary Public
DATE NAME TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
 personally appeared Sharat Singh and Edwin F. Ullman
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Virginia C. Palladino
 SIGNATURE OF NOTARY

